

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MALCOLM JAMES FONTENOT,

Plaintiff,

v.

KING COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants.

CASE NO. 2:22-cv-01471-BHS

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on Magistrate Judge S. Kate Vaughan's Report and Recommendation ("R&R") recommending that the Court dismiss this action for failure to prosecute under Local Civil Rule 41(b)(2), Dkt. 8. The Court, having considered the R&R and the remaining record and no objections having been filed, does hereby order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Plaintiff Malcolm James Fontenot's Application for Leave to Proceed *in forma pauperis*, Dkt. 1, is **DENIED**;
- (3) This case is **DISMISSED without prejudice** for failure to prosecute; and

1 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
2 Vaughan.

3 Dated this 13th day of February, 2023.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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